IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8948 of 2001

Between:

1 Penumalli Malakonda Reddy, S/o Venkata Ramana Reddy,
Kovur, Nellore District.
2 Penumalli Murali Krishna Reddy, S/o Venkata Ramana Reddy,
Basava Nagar, Bangalore-37.

..... PETITIONERS

AND

1 The Superintendent of Police, Nellore, Nellore District.
2 The Sub-Inspector of Police,
Allur Mandal, Nellore District.
3 Moora Ramanaiah S/o Suraiah
R/o Kodavalur (V) (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or order more in the nature of Writ of Mandamus declaring the action of the respondents in unauthorisedly at the instance of Respondent No.3 putting lock and key Kusumaharznadha Rice Mill and shop rooms constructed on the western side of the above rice mill of the petitioners without following any procedure and without any authority as arbitrary illegal and unconstitutional being violative of Article 14, 21 and 300A of Constitution of India and consequently direct the respondents No.1 and 2 to deliver the lock and key of Kusumaharanadha Rice Mill and shop rooms to the petitioners forth with and Pending disposal of the main Writ Petition it is therefore prayed that this Hon'ble Court to pleased to direct the Respondent No.1 and 2 to deliver the lock and key of Kusumaharanadha Rice Mill and shop rooms constructed in the west side of the mill to the petitioners and pass such other order or orders as this Hon’ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MRS.A.BALA BHARATHI

Counsel for the Respondent 1 and 2 : G.P.f or Home

Counsel for the Respondent 3: MR.M.RAVINDRANATH REDDY

The Court made the following :

ORDER:

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The petitioners are aggrieved by the alleged action of the respondents in unauthorisedly locking Kusumaharanadha Rice Mill and shop rooms at the behest of the third respondent. They are therefore, before this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of respondent Nos.1 and 2 as arbitrary and illegal.

The second respondent filed a counter affidavit on 06.06.2001 *inter alia* stating as under.

> 4. The allegation of the petitioners in para 6 of the affidavit that the respondent No.3 with the help of respondents 1 and 2 is trying to interfere with their peaceful possession and enjoyment of their property, that the respondents 1 and 2 without following the procedure and without any authority came and put locks to the Rice Mill and shops etc., are all false and incorrect. The respondent No.3 has not influenced the respondents 1 and 2 and infact the respondent No.3 is not known to these respondents. The respondents 1 and 2 have not put any locks to the rice mill and shops as alleged. The allegation is false, baseless and untenable. The allegations seems to have invented only for the purpose of this writ petition. The Police have not put any locks to the Rice Mill and shops and infact the police have no knowledge about the dispute of the petitioners.

Though the counter affidavit is filed in June 2001, the counter averments are not rebutted. Be that as it is, even according to the petitioners there is a civil dispute pending on the file of the Court of the District Judge between them and the third respondent. Therefore, it is needless to say that the Police cannot interfere in a dispute which is of civil nature especially when a civil case is pending between the parties. This observation would safeguard the interest of the petitioner.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

21.06.2005

vs

To

1 The Superintendent of Police,
Nellore, Nellore District.
2 The Sub-Inspector of Police,
Allur Mandal, Nellore District.
3 2 CD copies.

4 2 C.Cs to G.P. for Home, High Court buildings, Hyderabad.